

Amendments to the Claims:

Please amend the claims as follows:

1. (Currently Amended) A communications system comprising:  
a first host capable of transmitting multiplexed data at a first data transfer rate;  
a second host capable of receiving multiplexed data at a second data transfer rate; and  
a data throttle, wherein the data throttle limits the first data transfer rate to a throttle value that is less than or equal to the lesser one of the first data transfer rate and the second data transfer rate, and wherein the throttle value transfer rate is obtained during a communication start-up process.
2. (Original) The system of Claim 1 further comprising a network having a third data transfer rate and wherein the data throttle limits the first data transfer rate to the throttle value that is less than or equal to the lesser one of the first data transfer rate, the second data transfer rate, and the third data transfer rate.
3. (Canceled).
4. (Original) The system of Claim 1, wherein the throttle value is a predetermined value.
5. (Original) The system of Claim 1 wherein the first host is further comprised of an applications layer, a sockets layer, a transport layer, and a network layer.
6. (Previously Presented) The system of Claim 5, wherein the data throttle operates by one or more application program interface (API) calls from the applications layer to the sockets layer, said API calls limiting the transmission data rate to the throttle value.

7. (Original) The system of Claim 5, wherein the transport layer is comprised of a User Datagram Protocol (UDP) and the network layer is comprised of an Internet Protocol (IP).

8. (Canceled)

9. (Canceled)

10. (Canceled)

11. (Canceled).

12. (Previously Presented) The system of Claim [[11]] 1, wherein the communications start-up process is a Session Initiation Protocol (SIP) process.

13. (Cancel)

14. (Cancel)

15. (Cancel)

16. (Currently Amended) A method ~~of communication between a first host and a second host~~, comprising:

obtaining a data transfer rate of the first host and a data transfer rate of the second host at which the second host may receive data;

setting, during a communication start-up process, a throttle value that is less than or equal to the lesser of the data transfer rate of the first host and the data rate of the second host; and

transmitting data packets from the first host to the second host at a data transfer rate that is less than or equal to the throttle value.

17. (Original) The method of Claim 16, wherein setting the maximum data transfer rate of the first host to the throttle value is accomplished by Application Programming Interface (API) calls from an application executing on the first host to a sockets layer of the first host.

18. (Original) The method of Claim 16, wherein transmitting data packets from the first host to the second host at a data transfer rate that is less than or equal to the throttle value is accomplished by use of a User Datagram Protocol (UDP) transport layer and an Internet Protocol network layer.

19. (Currently Amended) A method ~~of communication across a network and between a first host and a second host~~, comprising:

receiving, during a communication start-up process, a throttle value that is less than or equal to the lesser of a data transfer rate of a source device ~~the first host~~, a data transfer rate of a destination device ~~the second host~~, and a data transfer rate of respective one or more intervening packet processing platforms located between the source and destination devices ~~the network rate~~;

setting the maximum data transfer rate of the source device ~~first host~~ to the throttle value; and

transmitting data packets from the source device ~~first host~~ to the destination device ~~second host~~ at a data transfer rate that is less than or equal to the throttle value.

20. (Currently Amended) The method of Claim 19, wherein setting the maximum data transfer rate of the source device ~~first host~~ to the throttle value is accomplished by Application Programming Interface (API) calls from an application executing on the source device ~~first host~~ to a sockets layer of the source device ~~first host~~.

21. (Currently Amended) The method of Claim 19, wherein transmitting data packets from the source device ~~first host~~ to the destination device ~~second host~~ at a data transfer rate that is less than or equal to the throttle value is accomplished by use of a User Datagram Protocol (UDP) transport layer and an Internet Protocol network layer.

22. (Currently Amended) An apparatus comprising:  
a processor configured to:  
obtain a data transfer rate of a first host and a data transfer rate of a second  
host; and  
set a throttle value for transmission of data from ~~[[a]]~~ the first host to ~~[[a]]~~ the second host to a value that is less than or equal to the lesser of the data transfer rate of ~~based~~  
~~at least in part on the data transmission and reception capabilities of the first and second host,~~  
respectively, wherein the throttle value is set during a communication start-up process.

23. (Canceled).

24. (Previously Presented) The apparatus of Claim 22, wherein in order to set the throttle value, the processor is further configured to set the throttle value based at least in part on the data transmission capacity of a network through which data is transferred from the first host to the second host.

25. (Currently Amended) The apparatus of Claim 24, wherein in order to set the throttle value, the processor is further configured to:

obtain a data transfer rate of ~~the first host, a data transfer rate of the second host,~~  
~~and a data transfer rate of the network; and~~

set the throttle value at less than or equal to the lesser of the data transfer rate of the first host, the data transfer rate of the second host, and the data transfer rate of the network.

26. (Previously Presented) The apparatus of Claim 22, wherein the processor is further configured to:

set the maximum data transfer rate of the first host to the throttle value.

27. (Previously Presented) The apparatus of Claim 26, wherein in order to set the maximum data transfer rate of the first host to the throttle value, the processor is further configured to:

establish one or more Application Programming Interface (API) calls from an application layer of the first host to a socket layer of the first host.

28. (New) The method of Claim 16 further comprising:

obtaining a data transfer rate of respective one or more intervening packet processing platforms located between the first and second host, wherein setting a throttle value further comprises setting, during a communications start-up process, a throttle value that is less than or equal to the lesser of the data transfer rate of the first host, the data transfer rate of the second host, and the data transfer rate of respective one or more intervening packet processing platforms.